

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

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MIDDLE DISTRICT OF FLORIDA  
TAMPA, FLORIDA

UNITED STATES OF AMERICA

v.

JOHN ROBERT MILLER

CASE NO. 8:08-cr- 00330-T-30 TBM  
18 U.S.C. § 371  
18 U.S.C. § 1343  
18 U.S.C. § 1346

INFORMATION

The United States Attorney charges:

COUNT ONE

A. Introduction

At times material to this Information:

1. COAST BANK OF FLORIDA ("COAST") was a Florida corporation, headquartered in Bradenton, Florida, that conducted business in the Middle District of Florida. COAST was a full service bank, and its deposits were insured by the Federal Deposit Insurance Corporation.

2. AMERICAN MORTGAGE LINK ("AML") was a Florida corporation, headquartered in Tampa, Florida, that conducted business in the Middle District of Florida and elsewhere. AML was engaged in the business of originating mortgage loans.

3. SOLUTIONS PROCESSING, INC. ("SOLUTIONS") was a Florida corporation, headquartered in Tampa, Florida, that was not engaged in any business activity. Bank accounts in the name of SOLUTIONS were used to receive proceeds of

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additional mortgage brokerage fees from AML and to facilitate the transmission of said proceeds to a coconspirator and to various individuals and entities designated by the coconspirator.

4. JOHN ROBERT MILLER was an individual residing in the Middle District of Florida. MILLER served as President of both AML and SOLUTIONS. MILLER used his position with AML to charge AML's clients, who wanted residential home loans from COAST, a mortgage brokerage fee that was one percent more than AML would otherwise have charged, and to pay three-quarters of the additional one percent to a coconspirator. Further, MILLER used bank accounts in the name of SOLUTIONS to receive proceeds of the additional percentage point from AML and to facilitate the transmission of said proceeds to a coconspirator and to various individuals and entities designated by the coconspirator.

#### **The Conspiracy**

5. Beginning in or about late 2004, and continuing through and including on or about January 17, 2007, in the Middle District of Florida, and elsewhere,

JOHN ROBERT MILLER,

the defendant herein, did knowingly and willfully combine, conspire, confederate and agree with others, both known and unknown to the United States Attorney, to commit certain offenses against the United States, to wit: wire fraud and, thereby, to deprive COAST of the intangible right of honest services, in violation of Title 18, United States Code, Sections 1343 and 1346.

**Manner and Means of the Conspiracy**

6. It was a part of the conspiracy that a coconspirator, who was an officer and head of the mortgage lending department of COAST, would and did demand that the defendant charge AML's clients, who wanted residential home loans from COAST, a mortgage brokerage fee that was one percent more than AML would otherwise have charged, and to pay three-quarters of the additional one percent to the coconspirator.

7. It was a further part of the conspiracy that the defendant would and did use an existing bank account in the name of SOLUTIONS to receive proceeds of the additional percentage point charged by AML and to facilitate the transmission of said proceeds to the coconspirator and to various individuals and entities designated by the coconspirator. Later, the defendant would and did move the SOLUTIONS bank account to another financial institution and would and did use said account in the same manner.

8. It was a further part of the conspiracy that the conspirators would and did split the proceeds of the additional percentage point paid by clients of AML as part of their mortgage brokerage fee, such that the coconspirator would and did receive three-quarters of each additional percentage point paid and the defendant would and did receive one-quarter of each additional percentage point paid.

9. It was a further part of the conspiracy that the defendant would and did transfer, via various means, the coconspirator's share of the proceeds of the additional percentage point paid by clients of AML as part of their mortgage brokerage fee from AML's checking account into checking accounts in the name of SOLUTIONS.

10. It was a further part of the conspiracy that the coconspirator would and did prepare and transmit, via e-mail and other means, instructions to the defendant to make checks drawn on the accounts in the name of SOLUTIONS payable to, among others, various of the coconspirator's creditors, charities, and family members.

11. It was a further part of the conspiracy that the defendant would and did prepare or cause to be prepared the checks drawn on the accounts in the name of SOLUTIONS requested by the coconspirator, and would and did deliver said checks to the coconspirator via private commercial carriers and other means.

12. It was a further part of the conspiracy that the defendant would and did provide the coconspirator with a debit/ATM card, along with the accompanying personal identification number, for the accounts in the name of SOLUTIONS.

13. It was a further part of the conspiracy that the coconspirator would and did use the debit/ATM card and accompanying personal identification number to make purchases of goods and services and to withdraw funds from the accounts in the name of SOLUTIONS.

14. It was a further part of the conspiracy that the coconspirator would and did use the coconspirator's share of the proceeds of the additional percentage point paid by clients of AML for his own personal enrichment.

15. It was a further part of the conspiracy that conspirators would and did misrepresent, conceal, and hide, and cause to be misrepresented, concealed, and hidden, the purpose of acts done in furtherance of the conspiracy.

**Overt Acts**

16. In furtherance of the conspiracy and to effectuate the objects thereof, the following overt acts, among others, were committed within the Middle District of Florida, and elsewhere:

(a) On or about December 1, 2005, JOHN ROBERT MILLER charged AML client Janis Stewart a mortgage brokerage fee amounting to two percent, rather than the standard one percent that would otherwise have been charged by AML, of the \$333,000 loan made by COAST to enable Stewart to purchase real property and build a home in Rotonda West, Florida.

(b) On or about December 6, 2005, JOHN ROBERT MILLER transferred \$3,330 from AML's checking account at AmSouth Bank, 260 First Avenue South, St. Petersburg, Florida, into SOLUTIONS's checking account at the same location.

(c) On or about December 31, 2005, a coconspirator e-mailed to JOHN ROBERT MILLER a list of payees, dollar amounts, and instructions to prepare checks to the payees in the dollar amounts indicated, drawn on the account in the name of SOLUTIONS, and to deliver said checks to the coconspirator via a private commercial carrier.

All in violation of Title 18, United States Code, Section 371.

**FORFEITURES**

1. The allegations contained in Count One of the Information are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2. From his engagement in the violations alleged in Count One of the Information, the defendant,

JOHN ROBERT MILLER,

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), all of his interest in any property constituting or derived from proceeds obtained directly or indirectly as a result of the conspiracy to commit wire fraud. Specifically, the property to be forfeited includes, but is not limited to, \$1,528,616.46, representing the amount of proceeds obtained as a result of the conspiracy to commit wire fraud.


3. If any of the property described in paragraph 2 above, as a result of any act or omission of the defendant:


- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

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